REMARKS

In response to the Office Action mailed January 9, 2008, Applicants respectfully request reconsideration. To further the prosecution of this Application, Applicants submit the following remarks and have amended claims. The claims as now presented are believed to be in allowable condition.

Claims 1-16 were pending in this Application. By this Amendment, claims 1 and 9 have been amended. No new matter has been added. Accordingly, claims 1-16 are now pending in this Application. Claims 1 and 9 are independent claims.

Rejections under §103

Claims 1-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,006,332 (Rabne, et al.) in view of U.S. Patent No. 6,505,300 (Chan, et al.), further in view of U.S. Patent No. 6,728,885 (Taylor, et al.).

Applicants respectfully traverse each of these rejections and request reconsideration. The claims are in allowable condition.

Claim 1, as amended, recites a dynamic file access control and management system configured to access one or more content sources, including a set of content. The system includes (A) a proxy system linked to said one or more content sources, said proxy system comprising an access control module configured to selectively obtain content comprising data blocks from said content sources on an individual block basis as a function of an authorization of a user requesting said content and a set of access policies comprising a set of predefined usage policies associated with said content for said user, (B) a rights management module configured to generate a set of usage rights associated with said content as a function of the set of predefined usage policies associated with said content for said user, (C) at least one client device having a client

module configured to interface to a client operating system kernel, said client module configured to enforce the set of usage rights within the operating system kernel without application rewrites, wherein enforcing the set of usage rights within the operating system kernel includes (1) intercepting a system call between an application and the client operating system, (2) evaluating the system call based on the set of usage rights, and (3) blocking or modifying the system call based on said evaluation, and (D) one or more communication means, via which said content and said usage rights are provided to said client device.

The cited references do not, either alone or in combination, teach or suggest all the features of the claim. In particular, the cited reference do not teach a system including a *proxy system* linked to said one or more content sources, said proxy system comprising an access control module configured to selectively obtain content comprising data blocks from said content sources on an individual block basis as a function of an authorization of a user requesting said content and a set of access policies comprising a set of predefined usage policies associated with said content for said user. The Office Action, on page 6 at section 9, cites Col. 7, lines 5-9 and Col. 8, lines 55-67 of <u>Rabne</u> as teaching this feature. However, Applicants are unable to determine how the cited portions teach a *proxy system* linked to said one or more content sources. Indeed, <u>Rabne</u> does not even mention a *proxy system* at any point. If the rejection of claim 1 is to be maintained, Applicant respectfully requests that it be pointed out with particularity where the cited prior art teaches a system including a *proxy system* linked to said one or more content sources, said proxy system comprising an access control module configured to selectively obtain content comprising data blocks from said content sources on an individual block basis as a function of an authorization of a user requesting said content and a set of access policies comprising a set of predefined usage policies associated with said content for said user.

In addition, the Office Action rejected claim 1 as unpatentable over Rabne in view of Chan and Taylor. However, it appears that the Examiner has located various elements of the claimed inventions in disparate references and has assembled them based on impermissible hindsight using the Applicants' disclosure as a guide.

Furthermore, the additional limitations added to claim 1 further distinguish over the prior art. The cited prior art does not teach a dynamic file access control and management system wherein enforcing the set of usage rights within the operating system kernel includes (1) intercepting a system call between an application and the client operating system, (2) evaluating the system call based on the set of usage rights, and (3) blocking or modifying the system call based on said evaluation. None of the cited references, either alone or in combination, teach or suggest this type of kernel-level enforcement of usage rights. Thus, any combination of the references cannot "provide [the] very granular level of file access and usage auditing" (Specification Par. 0121) which serves as a "final line of defense against unauthorized use of enterprise information" (Specification Par. 0122) and "gives enterprises unparalleled power in their ability to avoid costly application compatibility rewrites and upgrades, as well as a level of security not currently found in traditional file systems" (Specification Par. 0122).

For the reasons stated above, claim 1 patentably distinguishes over the cited prior art, and the rejection of claim 1 under 35 U.S.C. §103(a) should be withdrawn. Accordingly, claim 1 is now in allowable condition.

Because claims 2-8 depend from and further limit claim 1, claims 2-8 are in allowable condition for at least the same reasons. Additionally, it should be understood that the dependent claims recite additional features which further patentably distinguish over the cited prior art.

Claim 9 recites a method having limitations similar to the limitations found in claim 1. Accordingly, claim 9 distinguishes over the prior art for reasons similar

to those presented above in connection with claim 1. For the reasons stated above, claim 9 patentably distinguishes over the cited prior art, and the rejection of claim 9 under 35 U.S.C. §103(a) should be withdrawn. Accordingly, claim 9 is now in allowable condition.

Because claims 10-16 depend from and further limit claim 9, claims 10-16 are in allowable condition for at least the same reasons. Additionally, it should be understood that the dependent claims recite additional features which further patentably distinguish over the cited prior art.

<u>Conclusion</u>

In view of the foregoing remarks, this Application should be in condition for allowance. A Notice to this effect is respectfully requested. If the Examiner believes, after this Amendment, that the Application is not in condition for allowance, the Examiner is respectfully requested to call the Applicants' Representative at the number below.

Applicants hereby petition for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this Amendment, including an extension fee, please charge any deficiency to Deposit Account No. <u>50-3661</u>.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-2900, in Westborough, Massachusetts.

Respectfully submitted,

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